

Town Board Minutes

March 5, 2007

Meeting No. 9

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 5th day of March, 2007 at 8:00 P.M. and there were

PRESENT: MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: DANIEL AMATURA, COUNCIL MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JEFFREY SIMME, BUILDING INSPECTOR
RICCARDO ZUPPELLI, POLICE CAPTAIN
TERRENCE McCracken, GENERAL CREW CHIEF
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

PERSONS ADDRESSING TOWN BOARD:

Chowaniec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matters:

- fire contracts
- Lancaster Industrial Development Agency contracts
- solid waste ordinance

Basty, Jeffrey, 15 Northbrook, spoke to the Town Board on the following matter:

- enforcement of Town Code

Fronczak, Mike, 3 Woodstream Drive, spoke to the Town Board on the following matter:

- take home policy of Town for Town owned vehicles

Gull, Henry, 710 Pavement Road, spoke to the Town Board on the following matter:

- questions regarding provisions of Lancaster Industrial Development Agency agreement with Tops Warehouse on Genesee Street

Schneeggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matters:

- Pleasant Meadows Subdivision
- historic cemetery off Pleasant View Drive

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Town Board and the Planning Board held February 26, 2007 and the Regular Meeting of the Town Board held February 26, 2007 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 5, 2007

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, four fire companies have previously entered into contracts with the Town of Lancaster to furnish fire protection within the Town of Lancaster, which contracts have, according to their respective terms, expired December 31, 2006;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 184 (2) of the Town Law of the State of New York, separate public hearings will be held on the 19th day of March, 2007, at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, in accordance with the following schedule:

8:40 o'clock P.M. Local Time	Bowmansville Volunteer Fire Association, Inc.
8:45 o'clock P.M. Local Time	Millgrove Volunteer Fire Department, Inc.
8:50 o'clock P.M. Local Time	Town Line Volunteer Fire Department, Inc.
8:55 o'clock P.M. Local Time	Twin District Volunteer Fire Company, Inc

and that Notice of such hearings shall be published in the Lancaster Bee on the 8th day of March, 2007, and posted on the Town Bulletin Board, which Notice shall specify the time and place where said separate hearings will be held and describe in general terms the proposed separate contracts and said Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 5, 2007

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 5th day of March, 2007, will hold separate public hearings on the 19th day of March, 2007 at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on a proposed five-year contract for fire protection services, in accordance with the following schedule:

8:40 o'clock P.M. Local Time	Bowmansville Volunteer Fire Association, Inc.
8:45 o'clock P.M. Local Time	Millgrove Volunteer Fire Department, Inc.
8:50 o'clock P.M. Local Time	Town Line Volunteer Fire Department, Inc.
8:55 o'clock P.M. Local Time	Twin District Volunteer Fire Company, Inc.

for the purpose of hearing all interested persons for or against a separate contract to be entered into by each of said parties in accordance with Section 184 of the Town Law, for fire protection to be furnished by each of said fire companies, to the Fire Protection District established in the Town of Lancaster, upon the following general terms, to wit:

- A. The term of this contract shall be for five (5) years, commencing January 1, 2007 and terminating December 31, 2011.
- B. Each fire company shall answer and attend upon all calls in said Fire Protection District, and provide emergency first aid, rescue and emergency Transportation service as defined in Section 184 of the Town Law and Section 209-b of the General Municipal Law, in that territory described in said proposed contract filed in the Town Clerk's office.
- C. For such services, the said fire companies shall receive payment for the years January 1, 2007 to December 31, 2011.
- D. Such other incidental terms as may be necessary or proper in connection with such contracting.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By: **JOHANNA M. COLEMAN**
Town Clerk

March 5, 2007

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, ANTHONY INSINNA, owner of Doodle Bugs! Corporation, 20 Losson Road, Suite 215, Cheektowaga, New York 14227, has submitted a site plan prepared by Lauer-Manguso & Associates Architects, dated December 30, 2006 and received January 23, 2007 for the proposed construction of a new 11,300 square foot child care and preschool center on a 1.75 acre parcel located at 14 Rehm Road in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan and at its meeting February 7, 2007 has recommended approval of this project, and

WHEREAS, a SEQR Review of this project was held February 26, 2007 and a negative declaration was issued at that time;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the site plan submitted by Anthony Insinna, owner of Doodle Bugs! Corporation and prepared by Lauer-Manguso & Associates Architects dated December 30, 2006 and received January 23, 2007 for the proposed construction of a new 11,300 square foot child care and preschool center on a 1.75 acre parcel located at 14 Rehm Road in the Town of Lancaster with the following conditions:

1) that signage for the business shall only be permitted on the face of the building with no separate signage permitted on Transit Road.

2) that no building permit be issued until the owner/developer provides the Town Engineer and Building Inspector with written evidence of approval of water service to the project from the Erie County Water Authority.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 5, 2007

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

WHEREAS, healthy kidneys are essential to regulate the body by water and other chemicals in your blood, remove fluids, waste, toxins and drugs introduced to the body, release hormones that regulate blood pressure, make red blood cells and promote strong bones, and

WHEREAS, more than 20 million Americans, about one in nine adults, suffer from chronic kidney disease, and

WHEREAS, of the 31,000 New Yorkers afflicted with end-stage renal disease, approximately 40 percent are African American and 16 percent are Hispanic, and

WHEREAS, the two main causes of chronic kidney disease are diabetes and high blood pressure, which are responsible for up to two-thirds of the cases, and

WHEREAS, the National Kidney Foundation of WNY has a health screening program to identify people in the early stages of kidney disease, and

WHEREAS, the mission of the National Kidney Foundation of WNY is to prevent kidney and urinary tract diseases, improve the health and well-being of individuals and families affected by these diseases, and increase the availability of all organs for transplantation, and

WHEREAS, early detection including regular reporting of the GFR calculation, currently the best indication of kidney disease staging can help prevent the progression of kidney disease to kidney failure, which requires continual dialysis or kidney transplant to maintain life, and

WHEREAS, the cost of treatment for kidney disease patients is disproportionately higher than any other chronic disease, and

WHEREAS, most patients who have end-stage renal disease rely primarily on Medicare and Medicaid to cover the costs of their life-sustaining care, which includes dialysis treatment, medications, laboratory testing, and as necessary, transportation services to the dialysis facility, and as a consequence, any changes in Medicare and Medicaid eligibility, significantly put them at risk.

NOW, THEREFORE, BE IT

RESOLVED, that March 8, 2007 is recognized as “World Kidney Day” in New York State in the hope that all possible support will continue to be extended to Chronic Kidney Disease patients in New York State and throughout the country and the world.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 5, 2007

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPIAK, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director
of Administration and Finance, to wit:

Claim No. 7185 to Claim No. 7323 Inclusive

Total amount hereby authorized to be paid: \$251,455.94

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 5, 2007

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

- (SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.
(CSW) = Conditional sidewalk waiver.
(V/L) = Village of Lancaster

NEW PERMITS:

14376	Forbes-Capretto Homes	16 Sawgrass Ln	Er. Dwlg.-Sin.
14377 SW	Drozdoeski, Michael	188 Pavement Rd	Er. Dwlg.-Sin.
14378	Kaz Brothers Const.	10 Parkedge Dr	Er. Res. Alt.

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 5, 2007

File: Rbldg2

SUSPENDED RESOLUTIONS:

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolutions:

UPON A MOTION DULY MADE BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER MONTOUR AND CARRIED, a suspension was granted.

SUSPENSION GRANTED

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Jim Slowinski, d/b/a B & D Concrete Corporation, 8286 Fox Den Court, Williamsville, New York 14221, has submitted a site plan prepared by King Consulting Engineers, P.C., dated January 2007 and received January 19, 2007 for the proposed development of a vacant parcel including three buildings with driveway and parking areas in the Lancaster Industrial Commerce Center located north of Walden Avenue and east of Pavement Road in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan and at its meeting February 7, 2007 has recommended approval of this project, and

WHEREAS, a SEQR Review of this project was held February 26, 2007 and a negative declaration was issued at that time;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the site plan submitted by B & D Concrete Corporation and prepared by King Consulting Engineers, P.C., dated January 2007 and received January 19, 2007 for the proposed development of a vacant parcel including three buildings with driveway and parking areas in the Lancaster Industrial Commerce Center located north of Walden Avenue and east of Pavement Road in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 5, 2007

SUSPENSION GRANTED

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Natural Disaster Services Coordinator of the Town of Lancaster by letter to the Town Board dated March 5, 2007, has requested permission to purchase a new 2007 Chevrolet Tahoe 4 wheel drive SUV for use in his department, and

WHEREAS, this SUV is available as a vehicle on an Erie County Contract which eliminates the requirement for competitive bidding by the Town of Lancaster under the General Municipal Law §103, and

WHEREAS, after due review and consideration the Town Board deems it in the public interest to approve the purchase of said vehicle;

**NOW THEREFORE, BE IT
RESOLVED**, as follows:

- 1. The Town Board of the Town of Lancaster hereby approves the purchase of a new 2007 Chevrolet Tahoe 4 wheel drive SUV as proposed by the Natural Disaster Services Coordinator of the Town of Lancaster in the sum not to exceed \$25,769, which price reflects a trade in allowance of \$5,500, and shall be paid with funds available in the 2007 Natural Disaster Services Coordinator budget.
- 2. This vehicle shall be purchased pursuant to Erie County purchase order/contract #260340-004 without the need for competitive bidding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 5, 2007

COMMUNICATIONS & REPORTS:

112. Erie County Department of Environment & Planning to Supervisor -
Notification of lead agency designation regarding Roseland Subdivision Phase 2; comments and recommendations noted. DISPOSITION = Planning Committee
113. General Crew Chief to Planning Board, Council Members Montour, Ruffino & Stempniak-
Notice from the Town Forestry Department reserving judgement regarding site plan of Salvatore's Italian Gardens proposed addition, south of Genesee, east side of Transit Road. DISPOSITION = Planning Committee
114. General Crew Chief to Planning Board, Council Members Montour, Ruffino & Stempniak-
Request from the Town Forestry Department for further information regarding proposed Tim Horton's Restaurant, south of Michael Anthony Lane, east side of Transit Road. DISPOSITION = Planning Committee
115. Village of Lancaster to Supervisor, Town Board -
Request for resolution supporting Village grant application for funds to improve Central Business District. DISPOSITION = Resolution 2/26/07
116. NYS DOT to Supervisor -
Notice of preconstruction meeting to be held March 13, 2007 regarding reconstruction of Transit Road between Genesee Street and Main Street. DISPOSITION = Received and Filed, Town Engineer
117. Town of Alden to Town Board -
Transmittal of resolution memorializing NYS Legislature and Governor to enact legislation mandating stricter penalties for those who use the internet to commit sex crimes against children. DISPOSITION = Received and Filed
118. National Kidney Foundation to Supervisor -
Request to honor March 8, 2007 as World Kidney Day. DISPOSITION = Resolution 3/5/07
119. Greater Buffalo-Niagara Regional Transportation Council to Town Board -
Notice of meeting to be held Wednesday, March 7, 2007, 9:30 AM in Buffalo. DISPOSITION = Received and Filed, Town Engineer
120. Town of Sardinia to Town Board -
Transmittal of resolution memorializing NYS Legislature and Governor to enact legislation mandating stricter penalties for those who use the internet to commit sex crimes against children. DISPOSITION = Received and Filed
121. Town Clerk to Town Board -
Report of first settlement payment for 2007 County/Town Tax Warrant.
DISPOSITION = Received and Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, the meeting was adjourned at 9:09 P.M.

Signed _____
Johanna M. Coleman, Town Clerk